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COMMISSION ON HIGHER EDUCATION
EDUCATIONAL OPPORTUNITY FUND
ADMINISTRATIVE PROCEDURES AND POLICIES

Proposed Readoption with Amendments: N.J.A.C. 9A:11

Authorized By: Educational Opportunity Fund Board of Directors, Sang Jin Kim,
Chairperson

Authority: N.J.S.A. 18A:71-28 et seq. and 18A:71-33 through 36

Calendar Reference: See Summary below for explanation of exception to calendar
requirement.

Proposal Number: PRN: 2003-490

Submit written comments by February 13, 2004 to:

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The agency proposal follows:

Summary

The Educational Opportunity Fund (EOF) program provides students from educationally disadvantaged backgrounds with financial aid and other support services while attending participating New Jersey colleges and universities. The program is a collaborative effort. Under the general supervision of the Commission on Higher Education, the EOF Board of Directors administers the program, and the participating institutions directly serve the students.

Working with participating institutions, the EOF Board maintains a Statewide system to identify and recruit potential college students from backgrounds of historical poverty; develops eligibility criteria for EOF financial assistance based on students' income and

their potential for success in college; establishes procedures to determine the amount of the academic year grants according to the total financial need of each student; and advises on the development, organization, and coordination of a wide range of educational support and enrichment activities. The EOF Board is also responsible for rules for the C. Clyde Ferguson Law Scholarship and Martin Luther King Physician-Dentist Scholarship programs.

The EOF rules (N.J.A.C. 9A:11) are set to expire on July 30, 2004, pursuant to N.J.S.A. 52:14B-5.1c. To aid in the five-year, “sunset” review required by Executive Order No. 66 (1978), the EOF Board of Directors established a task force to conduct a comprehensive examination of the rules. The task force was comprised of representatives from the Board, the New Jersey Presidents’ Council, the New Jersey Educational Opportunity Fund Professional Association, and the Higher Education Student Assistance Authority. As a result of the task force’s review, the EOF Board proposes amendments to clarify provisions and to update administrative code citations referenced in the EOF rules.

Subchapter 1 contains the Chapter authority, definitions and scope and the EOF mission statement. Language is added at N.J.A.C. 9A:11-1.1(b) to clarify the phrase “institutions of collegiate grade”; the same language is added to the definition of a “participating institution” at N.J.A.C. 9A:11-1.2. N.J.A.C. 9A:11-1.2 also has four new definitions – “Abbott school districts,” “early childhood program aid,” “eligible urban aid municipality” and “New Jersey College Bound Grant program” – all terms used to describe the EOF-eligible applicant pool. The word “graduate” is added to the definitions of “initial” and “renewal” students to emphasize that graduate student grants are also classified as initial or renewal. In addition, the definition of “special needs school district” is deleted because the terminology is no longer used.

Subchapter 2 outlines the financial eligibility criteria for Article III undergraduate student grants. Proposed for N.J.A.C. 9A:11-2.2(a) are additional characteristics of whom the program is intended to serve. Proposed amendments at N.J.A.C. 9A:11-2.2(b)1, 2 and 6 supplement the attributes of applicants with family backgrounds of historical poverty. At N.J.A.C. 9A:11-2.2(d)1, the additional criterion of a high school diploma or GED to satisfy the initial eligibility requirements of the program is proposed, for consistency with the Federal ability-to-benefit provisions. A proposed amendment at N.J.A.C. 9A:11-2.2(d)4 revises a citation to reflect its proposed new codification. Reference to N.J.S.A. 18A:71-47, a statute that does not apply to EOF, is proposed for deletion from N.J.A.C. 9A:11-2.2(d)5. The sentence structure in N.J.A.C. 9A:11-2.2(e)2 is proposed for revision to clarify student attributes and for consistency with the structure of paragraph (e)1. Language requiring six consecutive monthly payments as a way for students to receive State financial assistance after failing to refund grant payments or defaulting on a student loan is proposed for deletion at N.J.A.C. 9A:11-2.2(g), as each student’s case is examined individually.

At N.J.A.C. 9A:11-2.4(a)1 and 2, the EOF income eligibility scale reflects proposed increases for the 2004-05 academic year, compared with 2003-04. At N.J.A.C. 9A:11-2.4(c), proposed new language exempts certain sources of untaxed income from consideration in the calculating applicants' gross household income. Proposed for recodified N.J.A.C. 9A:11-2.4(d) is both new and revised terminology regarding sources of household support that render an applicant financially eligible for EOF regardless of the amount of that support. Proposed amendments in recodified N.J.A.C. 9A:11-2.4(e) through (j) primarily reflect other recodifications in N.J.A.C. 9A:11-2.4. The proposed amendment at N.J.A.C. 9A:11-2.4(a)1 regarding situations in which applicants may be excepted from the income eligibility scale reflects recodification of other sections of N.J.A.C. 9A:11-2.4. At N.J.A.C. 9A:11-2.5(d), the proposed amendment is for consistency with the Tuition Aid Grant and Garden State Scholarship Programs' rule at N.J.A.C. 9A:9-2.4, Eligibility and repayment.

Proposed amendments at N.J.A.C. 9A:11-2.6(b) reflect proposed recodifications at N.J.A.C. 9A:11-2.4. At N.J.A.C. 9A:11-2.6(c) language is proposed for addition to clarify how EOF student grant funds are disbursed. Proposed for N.J.A.C. 9A:11-2.6(d) are maximum award amounts for a semester, to accommodate cases where a student is not enrolled for the entire academic year and a more accurate label for the annual maximum amounts. The current minimum amounts are for a full year, and new figures are proposed to reflect semester awards. At N.J.A.C. 9A:11-2.8(a)2 and (c), an incorrect citation is corrected; grammatical corrections are proposed at N.J.A.C. 9A:11-2.8(a)3. New language is proposed at N.J.A.C. 9A:11-2.8(c) and (e) limiting EOF undergraduates to one degree within the maximum semesters of Article III undergraduate grant payments allowed for baccalaureate degrees and associate degrees, respectively. Also in subsection (e), an incorrect citation is corrected. Language barring initial grants to students in their last two semesters of study, currently found at N.J.A.C. 9A:11-6.4(a)2, is proposed for codification more logically at N.J.A.C. 9A:11-2.8(g). Minor revisions, such as corrected sentence structure, verb tense or voice, or code citation, are proposed for the rest of Subchapter 2 (N.J.A.C. 9A:11-2.9, 2.10, 2.13, and 2.14).

Subchapter 3 addresses the criteria for determining financial eligibility for graduate Article III student grants. One proposed amendment corrects a section heading cited in N.J.A.C. 9A:11-3.2(c)2. Reference to N.J.S.A. 18A:71-47, a statute that does not apply to EOF, is proposed for deletion from N.J.A.C. 9A:11-3.2(c)4. Language requiring six consecutive monthly payments as a way for students to receive State financial assistance after failing to refund grant payments or defaulting on a student loan is proposed for deletion at N.J.A.C. 9A:11-3.2(d), as each student's case is examined individually. Language barring initial grants to graduate students in their last semester of study is proposed at N.J.A.C. 9A:11-3.2(f). Proposed amendments at N.J.A.C. 9A:11-3.4(b) reflect proposed recodifications at N.J.A.C. 9A:11-2.4. In N.J.A.C. 9A:11-3.4(c) language is proposed for addition to clarify how EOF student grant funds are disbursed. Proposed for N.J.A.C. 9A:11-3.4(d) are maximum award amounts for a semester, to

accommodate cases where a student is not enrolled for the entire academic year and a more accurate label for the annual maximum amounts; concomitant revisions in the text are proposed for N.J.A.C. 9A:11-3.4(d) and (e). The current minimum amounts are for a full year, and new figures are proposed to reflect semester awards. At N.J.A.C. 9A:11-3.5(a), the proposed amendment is for consistency with the Tuition Aid Grant and Garden State Scholarship Programs' rule at N.J.A.C. 9A:9-2.4, Eligibility and repayment. Additional language proposed for N.J.A.C. 9A:11-3.5(c)1 clarifies that students in dual-degree programs are exempted from this regulation. Minor revisions, such as corrected sentence structure, verb tense or voice, or code citation, are proposed for the rest of Subchapter 3 (N.J.A.C. 9A:11-3.6(a), (b), and (d)).

Subchapter 4 describes the general organization and operation of campus-based (institutional) programs, which receive EOF Article IV funds to provide educational enrichment and support for eligible students. Amendments proposed for N.J.A.C. 9A:11-4.5(d) make the verb describing the campus EOF director's prerogative regarding former EOF students who are readmitted to an institution match the language at N.J.A.C. 9A:11-4.7(b) describing the director's prerogative regarding transfer students, and clarify the eligibility of dismissed or suspended students. An incorrect code citation at N.J.A.C. 9A:11-4.7(c) is corrected. Additional language is proposed for N.J.A.C. 9A:11-4.9(a) to acknowledge that the institutions often submit experimental proposals without the Board's solicitation. Revisions proposed for N.J.A.C. 9A:11-4.10(b) correct the verb tense, in order to clarify one reason for the institution to discontinue support services for a student.

Subchapter 5 outlines the rules governing the general organization and operation of the summer program. Incorrect language at N.J.A.C. 9A:11-5.4(a) is corrected. The proposed amendment at N.J.A.C. 9A:11-5.5(a) reflects recodifications at N.J.A.C. 9A:11-2.4. N.J.A.C. 9A:11-5.6(a) is proposed for deletion because the information requested on the currently required form is available from other sources, namely the New Jersey student grant payment system and the required annual report (N.J.A.C. 9A:11-6.16).

Subchapter 6 describes the operational procedures for both Article III student grants and Article IV program support services, including procedures for student notification and payment, appeals of ineligibility, appropriate uses of EOF funds, institutional matching funds, recordkeeping and data collection. The proposed amendment at N.J.A.C. 9A:11-6.2(a) clarifies which types of institutions may submit applications to participate in the Fund. N.J.A.C. 9A:11-6.4(a)2 is proposed to be relocated at N.J.A.C. 9A:11-2.8(g). An unnecessary word is proposed for deletion from N.J.A.C. 9A:11-6.5(c). Amendments are proposed in the heading of N.J.A.C. 9A:11-6.6 and at N.J.A.C. 9A:11-6.6(f) for consistency with the Tuition Aid Grant and Garden State Scholarship Programs' rule at N.J.A.C. 9A:9-2.12, Award adjustments, refunds and collections; specifically, the word "collection(s)" would replace "repayment." Incorrect code citations are corrected at N.J.A.C. 9A:11-6.6(e). Minor amendments are proposed for N.J.A.C. 9A:11-6.7(a)2 and

(b) for clarity regarding the appeals process. Incorrect phraseology and punctuation are corrected at N.J.A.C. 9A:11-6.8(c) and at N.J.A.C. 9A:11-6.9(c)1iii and (d). At N.J.A.C. 9A:11-6.13, the heading is proposed for amendment to more accurately reflect the section topic (academic probation), and a code citation is corrected.

Virtually identical Subchapters 7 and 8 concern the C. Clyde Ferguson Law Scholarship and the Martin Luther King Physician-Dentist Scholarship programs, respectively. N.J.A.C. 9A:11-7.1 and 8.1 concern student eligibility criteria; N.J.A.C. 9A:11-7.2 and 8.2, grant amounts; and N.J.A.C. 9A:11-7.3 and 8.3, rules incorporated by reference. The proposed amendment at N.J.A.C. 9A:11-7.1(a)3 clarifies that the Minority Student Program at Rutgers, The State University School of Law at Newark, is not an admissions program, but a program for students once they are enrolled. The proposed amendment at N.J.A.C. 9A:11-8.1(a)2i reflects the new name of the association that represents dental schools, the American Dental Education Association. Language requiring six consecutive monthly payments as a way for students to receive State financial assistance after failing to refund grant payments or defaulting on a student loan is proposed for deletion at N.J.A.C. 9A:11-7.1(b) and 8.1(b), as each student's case is examined individually. At N.J.A.C. 9A:11-7.3 and 8.3, a code reference is corrected.

Throughout N.J.A.C. 9A:11, wherever the word "program" is capitalized in the phrase "EOF program" and wherever the word "president" is capitalized, lower case spelling is proposed, for consistency with all other instances of these words in the chapter.

As the Commission has provided a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

EOF students come from every county in New Jersey. They have generally lived and attended high school in neighborhoods characterized by depressed economic conditions, substandard educational services, and unequal opportunities. Approximately 60 percent of total EOF enrollment comes from the State's most distressed municipalities (communities that have been designated as "labor surplus areas" by the New Jersey Department of Labor and the U.S. Bureau of Labor Statistics). Fifty percent of the enrollment comes from school districts designated by the New Jersey Department of Education as "Abbott districts" or district factor group "A" or "B" school districts. The vast majority of EOF students spend their elementary and secondary school years in public school districts that by all objective measures fail to provide the level of educational preparation required for success in the more demanding curricula and challenging majors of our colleges and universities.

Without rules for the EOF program, the approximately 13,000 students enrolled in 56 EOF programs statewide would lack the financial aid that helps offset nontuition costs of attending New Jersey colleges and universities. The academic support services available

to these students would also decrease significantly. The proposed readoption with amendments will not change the social impact of the rules.

Economic Impact

Funds for EOF student grants are derived from State appropriations, while the State and participating institutions share the costs of EOF program support services. The total FY 2004 State appropriation for EOF (for student grants, program support services, and the King and Ferguson scholarships) is \$38,374,723. Approximately \$11.3 million of the total is for academic year program support, and each participating institution must match its share of this amount. During the 2002-03 academic year, the EOF program had more than 13,400 students (unduplicated headcount) in 56 programs at 41 New Jersey colleges and universities.

The rules proposed for readoption with amendments aim to ensure that the EOF program continues to serve individuals who have been burdened by long-term economic deprivation and a lack of access to high-quality educational preparation. Fifty percent of EOF enrollment comes from the 30 school districts characterized by both low student achievement and concentrated poverty (Abbott districts). The median annual family income of EOF students for a family of four in fall 2002 was \$21,000 compared with a 2002 state median family income of \$65,370. Almost all EOF students are first-generation college students, 70 percent come from single-female-headed households, and 15 percent come from households receiving public assistance.

Since State appropriations provide funds for EOF student grants, program enrollment is limited by the size of the annual appropriation; more than 13,000 students participated during 2002-03. The rules proposed for readoption with amendments have no direct impact on the total number of students awarded grants or the total cost of the program.

Federal Standards Statement

The rules proposed for readoption with amendments are not subject to a Federal standards analysis under Executive Order No. 27 (1994) because EOF was established by New Jersey legislation, is wholly supported by State appropriations, and is not subject to any Federal requirements or standards.

Jobs Impact

The rules proposed for readoption with amendments will not result in the generation or loss of any jobs.

Agriculture Industry Impact

The rules proposed for readoption with amendments will have no impact on the agriculture industry.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the rules proposed for readoption with amendments do not impose reporting requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules pertain strictly to public and publicly funded independent colleges and universities in New Jersey, none of which qualify as a small business because all of which have more than 100 employees, and to students participating in the EOF program.

Smart Growth Impact

The rules proposed for readoption with amendments will have no impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 9A:11.

Full text of the proposed amendments follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

SUBCHAPTER 1: AUTHORITY, MISSION, AND SCOPE

9A:11-1.1 Authority

(a) (No change.)

(b) Pursuant to N.J.S.A. 18A:71-28 through 40 and 18A:72J-1 et seq., the Board of Directors shall identify, recruit, and provide financial assistance to needy students who are residents of New Jersey in order that they may attend institutions of higher education. The Board is authorized to determine and promulgate standards of eligibility and award undergraduate and graduate “opportunity grants,” C. Clyde Ferguson Law Scholarships, and Martin Luther King Physician-Dentist Scholarships to students attending institutions of collegiate grade [located and approved in New Jersey] that are licensed by the New Jersey Commission on Higher Education and accredited by an accrediting body recognized by the U.S. Secretary of Education. The Board shall also develop, establish, and maintain programs of remedial and supplementary education for eligible students to be administered either directly or through cooperative ventures with any or all of [the public and private institutions of higher education in the State] these institutions.

9A:11-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Abbott school district” means any New Jersey public school district characterized by both low student achievement and concentrated poverty that has been assigned the designation Abbott school district by the Commissioner of Education.

. . .

“Early childhood program aid” means any New Jersey school district that is eligible to receive early childhood program aid from the New Jersey Department of Education under the Comprehensive Educational Improvement and Financing Act of 1996 (P.L. 1996, c. 138).

“Eligible urban aid municipality” means a New Jersey municipality that has been authorized to participate in programs administered by the New Jersey Redevelopment Authority.

. . .

“Initial student” means a student who is receiving an Article III EOF undergraduate or graduate student grant for the first time. The term “initial” is not synonymous with the word “freshman,” nor does it imply that the student is in his or her first year of college attendance.

. . .

“New Jersey College Bound Grant Program” means a precollege educational enrichment program designed to help ensure completion of secondary school; to increase

college admission, retention, and graduation rates of urban youth; and to encourage the successful pursuit of postsecondary education in the sciences, mathematics, or technology that was funded by the New Jersey Commission on Higher Education.

. . .

“Participating institution” means a New Jersey institution of higher education that is licensed by the New Jersey Commission on Higher Education and accredited by an accrediting body recognized by the U.S. Secretary of Education and which has entered into a contractual relationship with the Board to provide an EOF undergraduate, graduate, and/or summer program for eligible students.

“Renewal student” means a student who previously has received an Article III EOF undergraduate or graduate student grant.

[“Special needs school district” means a New Jersey school district identified by the New Jersey Department of Education as economically disadvantaged.”]

SUBCHAPTER 2. UNDERGRADUATE EOF FINANCIAL ELIGIBILITY

9A:11-2.2 Student eligibility

(a) The undergraduate EOF Program is designed to provide an opportunity for higher education to disadvantaged New Jersey residents who would be unable to attend and/or succeed academically in college without the financial assistance and special services that are part of this program. The program is intended for students who show potential[,] and exhibit evidence of academic and/or creative promise but who [traditionally have been unable to attend] have limited educational and financial resources for college because of poor high school preparation[,] and [whose] have economic backgrounds that reflect a history of poverty.

(b) To be eligible for an undergraduate EOF grant, a student must demonstrate a history of poverty, which generally includes documented, long-term economic hardship of the family, such as little or no accumulation of assets and the inability to provide more than the basic needs of family members, as [demonstrated] evidenced by at least one of the following:

1. Having attended or graduated from a DFG A or B school district or [a special needs] an Abbott school district;
2. Having resided in a municipality that is a high-distress/labor surplus area, or is considered an eligible urban aid municipality, and/or is eligible to receive Early Childhood Program Aid (ECPA) from the New Jersey Department of Education;
3. – 5. (No change.)
6. Having successfully completed a NJ GEAR UP state project or NJ College Bound grant program.

(c) (No change.)

(d) To be initially eligible for an EOF undergraduate Article III grant, a student must demonstrate that he or she:

1. Has a high school diploma or GED;

Recodify existing 1 and 2 as 2 and 3. (No change in text.)

[3.]4. Is or will be a full-time student as defined by the institution offering the undergraduate program of study unless the institution has received approval under N.J.A.C. 9A:11-[6.1] 2.9(b) to award grants to part-time students, and

[4.]5. Is admitted to and intends full-time enrollment and matriculation in a curriculum leading to an undergraduate degree or certificate at an [eligible] institution [as defined in N.J.S.A. 18A:71-47 and] participating in the Fund. Degree and certificate programs shall require a minimum of 24 semester hours or the equivalent and be at least one academic year in duration. The Fund is not intended for a student whose primary educational goal is to complete an adult basic education curriculum or attain language proficiency.

(e) In addition, an eligible student shall exhibit evidence of the potential to succeed in college, but:

1. (No change.)

2. [At an approved institution with an open enrollment admissions policy, shall] Shall have an educational background that indicates a need for [improvement in] improved basic skills, additional academic support, [and/] or additional preparation for the applicant's desired degree program, at an approved institution with an open enrollment admissions policy.

(f) (No change.)

(g) Students shall not receive assistance under the programs administered by the Board if they owe a refund on a grant or scholarship previously received from a State or Federal program through any institution or are in default on any loan made under any State or Federal student financial assistance program at any institution. However, such students may receive State financial assistance if they make [six consecutive monthly payments and have] satisfactory repayment arrangements with the appropriate office.

(h) (No change.)

9A:11-2.4 Financial eligibility for initial Article III student grants

(a) The EOF Income Eligibility Scale is based on 200 percent of the annual Federal poverty guidelines (that is, doubled) as published annually in the Federal Register. This benchmark was established to reflect an eligible target population consistent with the intent of the original legislation. The EOF Executive Director shall inform institutions of annual adjustments to the EOF Income Eligibility Scale each spring.

1. Except as [stipulated in (b) and (c)] provided in (d), (f), (g) and (h) below, dependent and independent students are financially eligible for an initial Article III student grant if their gross household income does not exceed the applicable amounts set forth in the EOF Income Eligibility Scale, as follows.

Academic Year [2003 -04] 2004-05

Applicants with a <u>Household size of</u>	Gross Income <u>Not to Exceed</u>
1	[\$17,720] <u>\$17,780</u>
2	[23,880] <u>24,240</u>
3	[30,040] <u>30,520</u>
4	[36,200] <u>36,800</u>
5	[42,360] <u>43,080</u>
6	[48,520] <u>49,360</u>
7	[54,680] <u>55,640</u>
8	[60,840] <u>61,920</u>

2. For each additional member of the household, an allowance of [\$6,160] \$6,280 shall be added to this amount in order to determine EOF eligibility for the [2003-04] 2004-05 academic year. This allowance shall be adjusted to reflect changes in the Federal poverty guidelines as published in the Federal Register. In addition the gross income level for each household size shall also be adjusted annually.

(b) (No change.)

(c) The following sources of untaxed income – earned income credit, additional child tax credit, untaxed social security benefits, and Temporary Assistance for Needy Families (TANF) – shall be excluded from consideration in the gross household income of applicants.

[(c)](d) An applicant whose [family] household receives [welfare] Temporary Assistance for Needy Families (TANF) and/or Supplemental Social Security Income (SSI) as the [primary] sole means of [family] support is [presumed] eligible regardless of the amount of [primary welfare] such support.

[(d)](e) In determining financial eligibility for an Article III student grant, separation or divorce or the disability or death of a wage earner in the calendar year before the academic year for which eligibility is being determined, with [an accompanying] a concomitant decrease in household income below the EOF Income Eligibility Scale, does not automatically satisfy the financial eligibility criteria stated in (a) above.

[(e)](f) The campus EOF administrator/director shall approve students in cases such as those cited in [(d)](e) above[,], after review and recommendation by the financial aid

office. The campus EOF administrator/director, in cooperation with the director of financial aid, shall have the discretion to use professional judgment to assess whether an applicant or the applicant's family meets the spirit and intent of the Fund.

[(f)](g) Where there is evidence that strict adherence to the maximum income eligibility cut-off will not serve the purpose of the Fund, the campus EOF administrator/director has the discretion to admit, up to a maximum of 10 percent of the annual EOF freshman class, students with family incomes as high as, but no more than, 281 percent of the Federal poverty guidelines as published annually by the Federal government. These discretionary admits, however, shall also meet all [other] eligibility provisions of N.J.A.C. 9A:11-2.2.

[(g)](h) Institutions shall obtain permission from the EOF Executive Director before exceeding the 10 percent discretionary, over-income waiver set forth in [(f)](g) above.

[(h)](i) The records of applicants deemed eligible in accordance with the provisions of [(e), (f), and (g)] (f), (g), and (h) above shall contain sufficient documentation to support the use of professional judgment, as stated in [(e)](f) above, and the discretionary criteria, as stated in [(f)](g) above.

[(i)](j) Notwithstanding provisions of [(e)](f) and [(f)](g) above, priority shall be given to students whose incomes are within the limits of (a) above.

9A:11-2.5 Verification of financial eligibility

(a) – (c) (No change.)

(d) To receive an Article III undergraduate grant, all students shall comply with [N.J.A.C. 9A:9-2.4, which is] the Tuition Aid Grant and Garden State Scholarship programs' rule [governing the determination of eligibility for, and value of, student assistance] at N.J.A.C. 9A:9-2.4, Eligibility and repayment. All applicants shall also indicate that they applied for a Federal Pell Grant and a New Jersey Tuition Aid Grant. The Board annually establishes deadline dates for submitting the form specified in N.J.A.C. 9A:9-2.4 which are a year in advance, to ensure that the Fund's expenditures are maintained within available appropriations and to provide for timely disbursement of payments to participating institutions. Students shall submit the form specified in N.J.A.C. 9A:9-2.4 in accordance with the Board's annual deadlines.

(e) (No change.)

9A:11-2.6 Grant amount

(a) (No change.)

(b) The institution's EOF and financial aid directors shall determine the exact amount of each student's grant. In determining need and awarding Article III grants, priority shall be given first to students who meet the educational criteria of N.J.A.C. 9A:11-2.2 and the income criteria of N.J.A.C. 9A:11-2.4(a), (b) and (c)] and (d), followed by students admitted under N.J.A.C. 9A:11-2.4[(e) and] (f), (g) and (h).

(c) An EOF undergraduate grant awardee shall receive not less than the minimum nor more than the maximum semester award, except that under no circumstances shall the grant when combined with other aid exceed the cost of attendance as determined by the institution.

(d) The Board shall annually review the State grant amounts for EOF students and make adjustments, if necessary. The minimum and maximum semester and maximum academic year award ranges for full- and part-time Article III undergraduate student grants for each type of institution follows.

	<u>Semester</u>	<u>Semester</u>	<u>Annual</u>
Undergraduate	<u>Minimum</u>	<u>Maximum</u>	<u>Maximum</u>
<u>Community Colleges</u>			
Full-time[:]	\$[200.00] <u>100.00</u>	\$ <u>425.00</u>	\$ 850.00
Part-time:			
\$ 6-8 credits	\$[200.00] <u>100.00</u>	\$ <u>213.00</u>	\$ 426.00
\$ 9-11 credits	\$[200.00] <u>100.00</u>	\$ <u>319.00</u>	\$ 638.00
<u>State Colleges</u>			
<u>Commuter</u>			
Full-time	\$[200.00] <u>100.00</u>	\$ <u>475.00</u>	\$ 950.00
Part-time:			
\$ 6-8 credits	\$[200.00] <u>100.00</u>	\$ <u>238.00</u>	\$ 476.00
\$ 9-11 credits	\$[200.00] <u>100.00</u>	\$ <u>357.00</u>	\$ 714.00
<u>Residential</u>			
Full-time	\$[200.00] <u>100.00</u>	\$ <u>600.00</u>	\$1,200.00
Part-time:			
\$ 6-8 credits	\$[200.00] <u>100.00</u>	\$ <u>363.00</u>	\$ 726.00
\$ 9-11 credits	\$[200.00] <u>100.00</u>	\$ <u>482.00</u>	\$ 964.00
<u>Rutgers, NJIT, UMDNJ-SHRP</u>			
<u>Commuter</u>			
Full-time	\$[200.00] <u>100.00</u>	\$ <u>475.00</u>	\$ 950.00
Part-time:			
\$ 6-8 credits	\$[200.00] <u>100.00</u>	\$ <u>238.00</u>	\$ 476.00
\$ 9-11 credits	\$[200.00] <u>100.00</u>	\$ <u>357.00</u>	\$ 714.00

Residential

Full-time	\$[200.00] <u>100.00</u>	\$ <u>600.00</u>	\$1,200.00
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Part-time:

\$ 6-8 credits	\$[200.00] <u>100.00</u>	\$ <u>363.00</u>	\$ 726.00
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\$ 9-11 credits	\$[200.00] <u>100.00</u>	\$ <u>482.00</u>	\$ 964.00
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Independent Colleges

Full-time	\$[200.00] <u>100.00</u>	<u>1,150.00</u>	\$2,300.00
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Part-time:

\$ 6-8 credits	\$[200.00] <u>100.00</u>	\$ <u>575.00</u>	\$1,150.00
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\$ 9-11 credits	\$[200.00] <u>100.00</u>	\$ <u>861.00</u>	\$1,722.00
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9A:11-2.8 Duration of student eligibility

(a) Students deemed eligible at the time of initial enrollment shall retain eligibility for program support services and Article III student grant funds as long as they continue to:

1. (No change.)
2. Meet academic progress standards in accordance with N.J.A.C. 9A:11-[2.12] 2.13.

3. Maintain their status as [a] legal residents of the State of New Jersey as defined in N.J.A.C. 9A:9-2.2, which is the Tuition Aid Grant and Garden State Scholarship programs' rule[s] governing residency;

4. Maintain full-time enrollment or have the campus EOF administrator/director's written approval for a part-time Article III undergraduate grant. Part-time grant eligibility is available only at those institutions approved by the Board to award part-time Article III undergraduate grants [by the Board]; and

5. (No change.)

(b) (No change.)

(c) Students [attending] enrolled at senior institutions may receive a maximum of 12 semesters of [EOF payment] Article III undergraduate grant payments to complete a baccalaureate degree, as long as they are making satisfactory academic progress as stipulated in N.J.A.C. 9A:11-[2.12] 2.13. Undergraduate grant recipients may not pursue more than one baccalaureate degree within the maximum 12 semesters of Article III undergraduate grant payments.

(d) (No change.)

(e) Students enrolled at institutions that award associate degrees may [be eligible for] receive a maximum of eight [terms] semesters of Article III undergraduate grant

payments to complete an associate degree, as long as they are making satisfactory academic progress as stipulated in N.J.A.C. 9A:11-[2.12] 2.13. Undergraduate grant recipients may not pursue more than one associate degree within the maximum eight semesters of Article III undergraduate grant payments.

(f) (No change.)

(g) In no case shall an initial Article III undergraduate grant be given for a student's last two semesters of study.

~~[(g)]~~(h) (No change in text.)

9A:11-2.9 Part-time students

(a) – (b) (No change.)

(c) Eligible students shall be advised by institutional EOF staff to pursue part-time enrollment and shall enroll for at least six credits, [be] matriculate[d] in a certificate or degree program, and maintain minimum standards of academic progress as determined by the institution in the context of the provisions of N.J.A.C. 9A:11-[2.12] 2.13.

(d) - (e) (No change.)

9A:11-2.10 Nonfunded students

(a) (No change.)

(b) Students who are enrolled in college but [are denied] no longer eligible for Article III undergraduate grants [due to] because of their inability to make satisfactory academic progress as defined in N.J.A.C. 9A:11-[2.12]2.13 may be considered nonfunded and may receive Article IV program support services, as determined by the institutional EOF administrator/director.

(c) - (e) (No change.)

9A:11-2.11 NJ GEAR UP support-services-only student

(a) A student who has successfully completed a NJ GEAR UP state project but is unable to demonstrate financial eligibility for an initial Article III student grant as set forth in N.J.A.C. 9A:11-2.4 shall be termed a NJ GEAR UP support-services-only (NJGEARUP/SSO) student.

(b) (No change.)

9A:11-2.13 Academic progress

(a) (No change.)

(b) For purposes of determining continued eligibility for an Article III undergraduate student grant, the Board shall recognize the same standards [for] of academic performance and progress that an institution adopts to determine eligibility for Federal student financial aid programs under Title IV of the Higher Education Act of 1965, as

amended, and its implementing regulations, 20 U.S.C. 1091(d) and 34 C.F.R. § 668.84 (“satisfactory progress”), as well as the following provisions.

1. (No change.)

2. The summer program is a critical component of the EOF program. Courses that an EOF student schedules and completes using EOF Article III undergraduate summer funds, [in addition to] as well as academic year courses, shall be considered in determining the student’s academic progress. However, as stipulated at N.J.A.C. 9A:11-2.8[(g)](h), Article III undergraduate summer grants are not considered a semester of payment.

3. (No change.)

(c) - (f) (No change.)

9A:11-2.14 Discontinuance of Article III student grants

(a) The Article III student grant shall be discontinued for any student who fails to meet the participating institution’s policies governing academic performance and progress pursuant to N.J.A.C. 9A:11-[2.12] 2.13.

(b) The Article III student grant shall be discontinued for any student who has been academically dismissed [unless] and not reinstated in good standing by institutional officials.

(c) The Article III student grant shall be discontinued for any student who is not matriculated in a full-time or [a] Board-approved part-time program of study or for any student who is not enrolled. The institution shall repay the amount of any grants [paid to] the institution has received for that student [shall be repaid by the institution].

(d) (No change.)

(e) The Article III student grant shall be discontinued for any student who intentionally [falsifies or gives] falsified or gave misleading information upon which EOF program eligibility was based. That student shall repay the amount of any grants previously awarded to him or her.

SUBCHAPTER 3. GRADUATE EOF FINANCIAL ELIGIBILITY

9A:11-3.2 Student eligibility

(a) – (b) (No change.)

(c) To be initially eligible for an EOF Article III graduate student grant, a student must demonstrate that he or she:

1. (No change.)

2. Meets the financial criteria established in N.J.A.C. 9A:11-2.4, Financial [Eligibility] eligibility for initial Article III student grants;

3. (No change.)

4. Is admitted to and intends full-time enrollment and matriculation in a curriculum leading to a graduate degree or certificate at an [eligible] institution [as defined in N.J.S.A. 18A:71-47 and] participating in the Fund, provided that the student has not already received a graduate or professional degree at the same level of study for which he or she is applying. Graduate degree and certificate programs must have a minimum requirement equivalent to 24 semester hours and be at least one academic year in duration.

(d) Students shall not receive assistance under the programs administered by the Board if they owe a refund on a grant or scholarship previously received from a State or Federal program through any institution or are in default on any loan made under any State or Federal student financial assistance program at any institution. However, such students may receive State financial assistance if they make [six consecutive monthly payments and have] satisfactory repayment arrangements with the appropriate office.

(e) (No change.)

(f) Students shall not receive an initial graduate grant in their last semester of enrollment.

9A:11-3.4 Grant amounts

(a) (No change.)

(b) The institution's EOF and financial aid directors shall determine the exact amount of each student's grant. In determining need and awarding Article III graduate grants, priority shall be given first to students who received an undergraduate EOF grant, followed by students who did not receive such an award but who now meet the educational criteria of N.J.A.C. 9A:11-2.2 and the income criteria of N.J.A.C. 9A:11-2.4(a) [, (b) and (c)] and (d), followed by students admitted under N.J.A.C. 9A:11-2.4[(e)](f).

(c) An EOF graduate grant awardee shall receive not less than the minimum nor more than the maximum semester award for the academic year, except that under no circumstances shall the grant when combined with other aid exceed the cost of attendance as determined by the institution.

(d) The Board shall annually review the State grant amounts for EOF students and make adjustments, if necessary. The minimum and maximum semester and maximum academic year award ranges for Article III graduate grants for each type of institution follows.

	<u>Semester</u>	<u>Semester</u>	<u>Annual</u>
	<u>Minimum</u>	<u>Maximum</u>	<u>Maximum</u>
Graduate			
State Colleges and Universities	[\$200.00] <u>100.00</u>	<u>\$1,050.00</u>	<u>\$2,100.00</u>

Independent	[200.00] <u>100.00</u>	<u>1,325.00</u>	2,650.00
Rutgers, NJIT	[200.00] <u>100.00</u>	<u>1,325.00</u>	2,650.00
UMDNJ	[200.00] <u>100.00</u>	<u>2,075.00</u>	4,150.00

(e) The awarding of all grants within the minimum and maximum semester and academic year ranges in (d) above shall be based upon a careful analysis of the student's total financial situation and financial need. The neediest students shall be accorded priority.

9A:11-3.5 Duration of graduate student eligibility

(a) To retain eligibility for an Article III graduate grant, students shall comply with [N.J.A.C. 9A:9-2.4, which are] the Tuition Aid Grant and Garden State Scholarship programs' rule [governing the determination of eligibility for, and value of, student assistance,] at N.J.A.C. 9A:9-2.4, Eligibility and repayment, in accordance with the Board's annually established deadline dates.

(b) (No change.)

(c) Graduate grant recipients may pursue more than one advanced degree; however:

1. Each degree must be a higher level than the previous one unless the grant recipient is enrolled in a dual-degree program; and

2. (No change.)

(d) (No change.)

9A:11-3.6 Discontinuance of Article III graduate student grants

(a) The Article III student grant shall be discontinued for any student who has been academically dismissed [unless] and not reinstated in good standing by institutional officials.

(b) The Article III student grant shall be discontinued for any student who is not matriculated in a full-time program of study or for any student who is not enrolled. The institution shall repay the amount of any grants [paid to] the institution has received for that student [shall be repaid by the institution].

(c) (No change.)

(d) The Article III student grant shall be discontinued for any student who intentionally [falsifies or gives] falsified or gave misleading information upon which EOF program eligibility was based. That student shall repay the amount of any grants previously awarded to him or her.

SUBCHAPTER 4. EOF PROGRAM SUPPORT SERVICES

9A:11-4.2 Institutional eligibility

(a) Each undergraduate institution in New Jersey that enrolls students who receive Article III grants under the EOF [Program] program shall submit an annual plan that requests Article IV program support funds in accordance with the provisions of this subchapter.

(b) (No change.)

9A:11-4.4 Institutional administration

(a) – (d) (No change.)

(e) Each participating institution shall provide for the campus EOF administrator/director to participate actively in all institutional policy making that affects the EOF [Program] program and its students, including academic standards, recruitment, and retention.

(f) At each participating institution with an open admissions policy, the campus EOF administrator/ director shall make the final determination on admitting students to the EOF [Program] program and awarding EOF Article III grants.

9A:11-4.5 Recruitment and admissions

(a) – (c) (No change.)

(d) The campus EOF administrator/director shall [approve] make the final determination on the awarding of Article III undergraduate student grant funds to students initially admitted to the institution's EOF [Program] program who withdrew or were academically dismissed or suspended [and] but are subsequently readmitted to the institution.

9A:11-4.7 Student transfer procedure

(a) (No change.)

(b) The campus EOF administrator/director at the receiving institution shall make the final determination on which transfer students shall receive an EOF grant. This is to ensure that the EOF [Program] program can provide these students with adequate educational support services and monitor their academic progress, as well as to maintain fiscal controls and budget management.

(c) The EOF program shall be able to demonstrate delivery of services as outlined in N.J.A.C. 9A:11-4.8 to students who are eligible for funding consideration under N.J.A.C. 9A:11-[2.11] 2.12, Transfer of eligible students to another participating institution.

9A:11-4.8 Eligible program support components

(a) The campus program shall supplement, but not supplant, services already available to the general student population.

(b) – (c) (No change.)

9A:11-4.9 Experimental programs

(a) The Board may authorize the EOF Executive Director to work with institutions, other agencies of State government, or external consultants to develop new initiatives to improve the efficiency and delivery of service to students. The Board also may solicit or consider proposals from institutions to support technology, research, or developmental projects to increase program effectiveness and encourage innovative practices. The Executive Director of EOF, upon the approval of the Board, is authorized to grant awards or contracts for such projects. Experimental areas may include, but are not limited to, projects that would:

1. - 4. (No change.)

(b) - (e) (No change.)

9A:11-4.10 Discontinuance of Article IV program support services

(a) Article IV program support services shall be discontinued for any student who refuses to abide by regulations established by the institution for participation in the EOF [Program] program.

(b) Article IV program support services shall be discontinued for any student who intentionally [falsifies or gives] falsified or gave misleading information upon which EOF program eligibility was based.

SUBCHAPTER 5. SUMMER PROGRAM

9A:11-5.4 Student eligibility

(a) Any student [who] whom the institution deems eligible for admission to the EOF program in the academic year, pursuant to N.J.A.C. 9A:11-2, shall be qualified to receive additional grant funds for enrollment and full participation in the summer program, in accordance with (b) and (c) below:

(b) – (c) (No change.)

9A:11-5.5 Verification of financial eligibility

(a) Initial students participating in the summer program shall follow the provisions of N.J.A.C. 9A:11-2.5[(b)](a) and (d) as part of summer program enrollment procedures.

(b) (No change.)

9A:11-5.6 Summer program evaluation

[(a)The EOF Executive Director shall distribute a standard summer program evaluation form to participating programs. Each institution shall submit the completed form to the Commission/EOF according to the required timetable.]

Recodify existing (b) and (c) as (a) and (b). (No change in text.)

SUBCHAPTER 6. OPERATIONAL PROCEDURES FOR ACADEMIC YEAR AND
SUMMER ARTICLE III STUDENT GRANTS AND ARTICLE IV PROGRAM
SUPPORT SERVICES FUNDS

9A:11-6.1 Renewal application process for Article III student grants and Article IV program support funds

(a) – (b) (No change.)

(c) Each application shall include the written endorsement of the campus EOF administrator/director and the [President] president or his or her designee.

(d) – (g) (No change.)

9A:11-6.2 Application process for new institutions to participate in the EOF program

(a) Institutions of higher education that wish to participate in the EOF program for the first time shall be licensed by the New Jersey Commission on Higher Education and accredited by an accrediting body recognized by the U.S. Secretary of Education and shall submit to the EOF Executive Director a letter of intent and a plan that includes the following information:

1. – 2. (No change.)

3. A description of the processes for delivering the student services outlined in N.J.A.C. 9A:11-4.3, 4.4, 4.5, 4.6, 4.7 and 4.8; and

4. (No change.)

(b) - (d) (No change.)

9A:11-6.4 Academic year Article III award cycle

(a) An Article III student grant shall be available for each semester of an academic year, which usually includes two terms.

[1.](b) If a student is not enrolled for two terms, then the Article III student grant shall [only] be awarded only for the term in which the student is enrolled.

[2. In no case shall an initial Article III undergraduate grant be given for a student's last two terms of study.]

9A:11-6.5 Article III student grant notification and payment

(a) – (b) (No change.)

(c) N.J.A.C. 9A:9-2.9, which is the Tuition Aid Grant and Garden State Scholarship programs' rule governing award combinations and overawards, shall [also] apply to Article III undergraduate student grant notifications and payment.

(d) (No change.)

9A:11-6.6 Request for payment, adjustment, refund, and/or [repayment] collection of Article III student grants

(a) – (d) (No change.)

(e) All participating institutional programs shall cooperate fully in specified program analyses and evaluation activities carried out by the Commission/EOF in accordance with N.J.A.C. 9A:11-[6.13] 6.15, Program improvement and evaluation process, and 9A:11-[6.14] 6.17, Fiscal audit requirements.

(f) [The general provisions for Tuition Aid Grant and Garden State Scholarship programs at] N.J.A.C. 9A:9-2.12, which is the Tuition Aid Grant and Garden State Scholarship programs' rule governing award [adjustments/refunds] adjustments, refunds and collections, shall apply to [the adjustment, refund, and/or repayment of] Article III student grant disbursements.

9A:11-6.7 Appeals

(a) A student or his or her parent(s) may file a written appeal with the EOF Executive Director regarding an institutional determination of ineligibility for an Article III student grant, but only after the student has appealed through all institutional channels, because EOF is a campus-based program. (Participating institutions are responsible for verifying grant and scholarship eligibility and for establishing appeal procedures.)

1. (No change.)

2. The letter shall contain the student's full name, [and] social security number, [identify the] and college of attendance[,], and present detailed information about the case, including a description of the basis for appeal and the names of institutional officials contacted during the institutional appeal process.

(b) If an institution presents, after State payment deadline dates, new information or evidence that justifies reversing previous institutional determinations of ineligibility, the institution may seek authorization from the EOF Executive Director to receive payments in the same fiscal [year;] year, but such requests shall be submitted before June 30th of each year.

9A:11-6.8 Liability

(a) - (b) (No change.)

(c) If an institution makes an award in good faith based on information provided by the student [and] that is later found to be fraudulent or misleading, the student is liable for returning the Article III grant. The institution shall include a written statement to this effect with each student's award notification.

(d) - (e) (No change.)

9A:11-6.9 Institutional commitment

(a) – (b) (No change.)

(c) Participating institutions shall provide a broad range of support services to students enrolled in the program. Institutions shall provide matching funds equivalent to

no less than the total academic year Article IV program support allocation provided by the Board.

1. The institutional match for campus EOF program costs may consist of any of the following:

i. – ii. (No change.)

iii. The provision and maintenance of state of the art technological equipment ([that is,] such as computer hardware, modems, fax machines);

iv. – vi. (No change.)

2. (No change.)

(d) The contract budget shall provide a format for the institution to record separately all institutional match and grant award items, including fringe benefits[:]; budgets are subject to audit.

(e) (No change.)

9A:11-6.13 [Academic probation/dismissal of EOF students] Procedures regarding academic probation

(a) Article III student grants and EOF program support services may be discontinued for reasons outlined in N.J.A.C. 9A:11-[2.13] 2.14, Discontinuance of Article III student grants, and 9A:11-4.10, Discontinuance of Article IV program support services.

(b) - (c) (No change.)

9A:11-6.20 Program advisory board (PAB)

(a) (No change.)

(b) The PAB shall establish a meeting schedule for the academic year. The PAB shall demonstrate, at a minimum, its involvement in the following activities:

1. (No change.)

2. Acquainting the local and campus communities with the goals and objectives of the EOF [Program] program;

3. - 6. (No change.)

SUBCHAPTER 7. C. CLYDE FERGUSON LAW SCHOLARSHIP

9A:11-7.1 Student eligibility

(a) To be eligible for a C. Clyde Ferguson Law Scholarship (Ferguson Scholarship), a student shall demonstrate that he or she:

1. - 2. (No change.)

3. Is or will be a full-time student enrolled for an initial law degree [through the Minority Student Program] at Rutgers, The State University School of Law-Newark and

participating in the Minority Student Program there; Rutgers, The State University School of Law-Camden; or Seton Hall University School of Law.

(b) Students shall not receive assistance under the programs administered by the Board if they owe a refund on a grant or scholarship previously received from a State or Federal program through any institution or are in default on any loan made under any State or Federal student financial assistance program at any institution. However, such students may receive State financial assistance if they make [six consecutive monthly payments and have] satisfactory repayment arrangements with the appropriate office.

9A:11-7.3 Rules incorporated by reference

The following provisions of this chapter governing the EOF program shall also apply to grants made under the Ferguson Scholarship unless they are inconsistent with, or otherwise excepted within, the provisions of this subchapter: N.J.A.C. 9A:11-3.2(b)[1], 3.5, 6.1, 6.3, 6.5, 6.6, 6.7 and 6.8.

SUBCHAPTER 8. MARTIN LUTHER KING PHYSICIAN-DENTIST SCHOLARSHIP PROGRAM

9A:11-8.1 Student eligibility

(a) To be eligible for a Martin Luther King Physician-Dentist Scholarship (King Scholarship), a student shall demonstrate that he or she:

1. (No change.)
2. Is a student who meets the requirements of N.J.A.C. 9A:11-2.4 and falls within one of the following categories:
 - i. A minority student included in one of the ethnic groups recognized by the Association of American Medical Colleges or the American [Association of Dental Schools] Dental Education Association as underrepresented in the medical or dental professions;

ii. – iii. (No change.)

3. (No change.)

(b) (No change.)

(c) Students shall not receive assistance under the programs administered by the Board if they owe a refund on a grant or scholarship previously received from a State or Federal program through any institution or are in default on any loan made under any State or Federal student financial assistance program at any institution. However, such students may receive State financial assistance if they make [six consecutive monthly payments and have] satisfactory repayment arrangements with the appropriate office.

9A:11-8.3 Rules incorporated by reference

The following provisions of this chapter governing the EOF program shall also apply to grants made under the King Scholarship unless they are inconsistent with, or otherwise excepted within, the provisions of this subchapter: N.J.A.C. 9A:11-3.2(b)[1], 3.5, 6.1, 6.3, 6.5, 6.6, 6.7 and 6.8.